

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

TERRY McDANIEL,

Civil Action File

No: 1:17-cv-03495-RBK-JS

Plaintiff,

In re: Benicar (Olmesartan)
Products Liability Litigation

v.

DAICHI SANKYO, INC, et al.

MDL No. 2606

Defendants.

MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

COMES NOW Wagstaff & Cartmell, LLP, by and through Thomas P. Cartmell, Jeffrey M. Kuntz and David C. DeGreeff, and moves this Court for an Order allowing withdrawal as attorney of record for the Plaintiff based on the following:

1. Pursuant to the Missouri Rules of Professional Conduct 4-1.16(b)(1)(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.
2. Pursuant to the Florida Rules of Professional Conduct 4-1.16(b)(3) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.
3. Pursuant to the New Jersey Rules of Professional Conduct 1.16(b)(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled.
4. Plaintiff's case has not been set for trial because it has been stayed pending the resolution of the Multi-District Litigation, and accordingly Plaintiff will not be prejudiced by the withdrawal.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of May, 2018, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to CM/ECF participants registered to receive service in this MDL.

By: /s/ David C. DeGreeff

Thomas P. Cartmell MO #45366

Jeffrey M. Kuntz MO #52371

David C. DeGreeff MO #55019

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Counsel for Plaintiff

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ORDER PERMITTING WITHDRAWAL AS COUNSEL OF RECORD

THIS MATTER was heard on the Motion of Thomas P. Cartmell, Jeffrey M. Kuntz, David C. DeGreeff and Wagstaff & Cartmell, LLP for permission to withdraw as counsel for Plaintiff and

IT IS ADJUDGED that:

1. Thomas P. Cartmell, Jeffrey M. Kuntz, David C. DeGreeff and Wagstaff & Cartmell, LLP are permitted to withdraw as counsel for Plaintiff effective on the date of this Order.
2. Pleadings, motions and other papers shall be served on Plaintiff at 2651 Clearbrook Circle, Orlando, FL 32810.

DONE AND ORDERED in Chambers for the District of New Jersey, Camden Vicinage,
on this _____ day of _____, 2018.